Via Facsimile No. 703-872-9306

9D-HL-25129
PATENT

Remarks

The Office Action mailed August 12, 2004 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1, 2, 5 and 11-20 stand rejected. Claims 3, 4, and 6-9 are objected to.

The rejection of Claims 1, 2, and 5 under 35 U.S.C.§102(b) as being anticipated by Rickard et al. (U.S. Patent No. 4,411,664) is respectfully traversed.

Rickard et al. describe a washing machine (10) including a cabinet (12) having a base portion (14) and a cabinet top (16). The cabinet top includes a control panel (18) for user control of the operation of the machine and an access lid (20) for access to the interior of the washing machine. A wash basket (28) is disposed within a tub or casing (34). The washing machine includes a programmed controller (120) that implements a method for detecting and correcting an out of balance condition during a spin cycle. A motor condition such as speed or power factor is monitored for changes indicative of an out-of-balance condition after the spin mode has started. Upon sensing an out-of-balance, the spin cycle is suspended and a rebalance cycle is actuated which is the same as the wash mode but of short duration and without the addition of water and then resuming the spin mode for the balance of the interrupted or suspended spin cycle (col. 6, lines 38-48). The rebalance cycle includes short delay periods to stabilize the system before and after the wash mode (col. 10, lines 35-43). If the rebalance cycle does not redistribute the clothes load sufficiently to cure the out-of-balance condition, the rebalance cycle is repeated is repeated up to three times. If the out-of-balance condition persists, the entire washing operation is terminated and, if desired, a signal to that effect is initiated (col. 6, lines 54-65).

Claim 1 recites a method for extracting water from laundry articles between a wash cycle and a rinse cycle, the method including performing a spin cycle between the wash cycle and the

rinse cycle, the spin cycle including "a first initial spin; a first rest period after said first initial spin; and a spin subsequent said first rest period commencing immediately after said first rest period, said spin subsequent said first rest period comprising a spin lasting until an end of said spin cycle".

Rickard et al. do not describe or suggest a spin cycle including a first initial spin, a first rest period after the first initial spin, and a spin subsequent the first rest period commencing immediately after the first rest period, the spin subsequent the first rest period comprising a spin lasting until an end of the spin cycle. Moreover, Rickard et al. do not describe or suggest a spin subsequent the first rest period commencing immediately after the first rest period. Rather, Rickard et al. describe a method for detecting and correcting an out of balance condition during a spin cycle, wherein, after a short delay, a wash mode is executed before returning to the spin cycle.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Rickard et al.

Claims 2 and 5 depend from independent Claim 1. When the recitations of Claims 2 and 5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 5 likewise are patentable over Rickard et al.

For at least the reasons set forth above, Applicants respectfully request that the 102 rejection of Claims 1, 2, and 5 be withdrawn.

The rejection of Claims 10 and 11 under 35 U.S.C.§102(b) as being anticipated by Guerra et al. (U.S. Patent No. 5,596,889) is respectfully traversed.

Guerra et al. describe a laundry machine (20) with a reduced suds spin cycle. The laundry machine includes a laundry basket (22) positioned within a tub (24). A circular drainage void (26) is defined between the laundry basket and the tub. A water nozzle (28) is provided to

dilute suds in the drainage void . The diluted suds may be drained through a water drain (30). A motor (40) drives the laundry basket. A control circuit (42) is used to control the operation of the motor, the nozzle, and the drain. The washer includes a spin cycle that is executed with reduced suds generation. During the spin cycle, the laundry basket is rotated to a speed wherein the laundry in the laundry basket 22 is forced into a plastered state wherein they are centrifugally forced against the laundry basket walls. Then, the laundry is subjected to a sequence of extraction states with incrementally increasing rotational speeds that force additional liquid (water/detergent solution) from the laundry in the laundry basket. Between each extraction state, the plastered state is invoked. The plastered state has a lower rotational speed than the extraction states.

Claim 10 recites a washing machine including "a basket; a motor providing motion for said basket; and a controller operatively coupled to said motor for controlling said motor, said controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting said motor for a first initial spin, stopping said motor for a first rest period, and starting said motor immediately following the first rest period to spin until the spin cycle ends".

Guerra et al. do not describe or suggest a washing machine including a basket, a motor providing motion for the basket, and a controller operatively coupled to the motor for controlling the motor, the controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Moreover, Guerra et al. do not describe or suggest a controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Rather, Guerra et al. describe a control circuit for a spin cycle wherein the laundry basket is rotated to a speed wherein the laundry in the laundry basket is held centrifugally against the basket walls in a "plastered state" and then, subjected to a sequence of

extraction states, and wherein the plastered state is invoked between each extraction state without stopping the basket (see Figure 3 and col. 4, lines 43-56).

The Office Action asserts that the rejected claims are anticipated because the apparatus of Guerra et al. is capable of performing the function recited in the claims. However, to anticipate a claim under 102, the reference must teach every element of the claim (MPEP § 2131). In the present case, Guerra et al. does not teach a controller configured to control a spin cycle as claimed.

For at least the reasons set forth above, Claim 10 is submitted to be patentable over Guerra et al.

Claim 11 depends from independent Claim 10. When the recitations of Claim 11 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 11 likewise is patentable over Guerra et al.

For at least the reasons set forth above, Applicants respectfully request that the 102 rejection of Claims 10 and 11 be withdrawn.

The rejection of Claims 12-20 under 35 U.S.C.§103(a) as being unpatentable over Guerra et al. is respectfully traversed.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Guerra et al. More specifically, as is well established, obviousness cannot be established by modifying the teachings of the cited art to produce the claimed invention absent some teaching, suggestion, or incentive supporting the modification.

More specifically, the Federal Circuit has determined that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In the present case, Guerra et al. describe a spin cycle wherein the laundry basket is rotated to a speed wherein the laundry in the basket is forced into a plastered state such that they are centrifugally forced against the laundry basket walls. Then, the laundry is subjected to a sequence of extraction states with incrementally increasing rotational speeds that force additional liquid (water/detergent solution) from the laundry in the laundry basket. Between each extraction state, the plastered state is invoked. According to Guerra et al., suds formed in the drainage void can undesirably migrate back into the laundry basket or create a detrimental friction drag on the rotational movement of the laundry basket (col. 2, lines 58-61). On the other

hand, in the plastered state, the water nozzle can be used to spray water into the circular drainage void to further dilute the water/detergent solution and flush suds from the circular drainage void (col. 4, lines 18-24). Further, "In a preferable embodiment, the rotational speed in the plaster state is still sufficient to keep the laundry against the basket walls. Thus, the clothes do not tumble and can otherwise be readily accelerated into another extraction state" (col. 3, lines 22-26).

By contrast, the present invention teaches rest periods during the spin cycle wherein the basket is stopped. Thus, Guerra et al. teaches away from the present invention. Accordingly, Guerra et al. cannot support a prima facie case of obviousness. For this reason alone, Applicants respectfully request that the 103 rejection of Claims 12-20 be withdrawn.

Nevertheless, Claims 12-16 depend from Claim 10 which recites, a washing machine including "a basket; a motor providing motion for said basket; and a controller operatively coupled to said motor for controlling said motor, said controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting said motor for a first initial spin, stopping said motor for a first rest period, and starting said motor immediately following the first rest period to spin until the spin cycle ends".

Guerra et al. do not describe or suggest a washing machine including a basket, a motor providing motion for the basket, and a controller operatively coupled to the motor for controlling the motor, the controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Moreover, Guerra et al. do not describe or suggest a controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Rather, Guerra et al. describe a control circuit for a spin cycle wherein the laundry basket is rotated to a speed wherein the laundry in the laundry basket is held

centrifugally against the basket walls in a "plastered state" and then, subjected to a sequence of extraction states, and wherein the plastered state is invoked between each extraction state without stopping the basket (see Figure 3 and col. 4, lines 43-56).

For at least the reasons set forth above, Claim 10 is submitted to be patentable over Guerra et al.

Claims 12-16 depend from independent Claim 10. When the recitations of Claims 12-16 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 12-16 likewise are patentable over Guerra et al.

Claim 17 recites a control system for a washing machine, the washing machine including a basket and a motor coupled to the basket to provide agitation in the basket, the control system configured to "perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping said motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends".

Guerra et al. do not describe or suggest a control system for a washing machine configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Moreover, Guerra et al. do not describe or suggest a control system configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping the motor for a first rest period, and starting the motor immediately following the first rest period to spin until the spin cycle ends. Rather, Guerra et al. describe a control circuit for a spin cycle wherein the laundry basket is rotated to a speed wherein the laundry in the laundry basket is held centrifugally against the basket walls in a "plastered state" and then, subjected to a sequence of extraction states, and wherein the plastered state is invoked between each extraction state without stopping the basket.

For at least the reasons set forth above, Claim 17 is submitted to be patentable over Guerra et al.

Claims 18-20 depend from independent Claim 17. When the recitations of Claims 18-20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-20 likewise are patentable over Guerra et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 12-20 be withdrawn.

The objection to Claims 3, 4, and 6-9 is respectfully traversed.

Applicants thank the Examiner for the indication of allowable subject matter in dependent Claims 3, 4, and 6-9. Applicants submit, however, that Claims 3, 4, and 6-9 depend from Claim 1 which is submitted to be patentable over the cited art for the reasons set forth above, and that Claims 3, 4, and 6-9 are likewise patentable.

Accordingly, Applicants respectfully request that the objection to Claims 3, 4, and 6-9 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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